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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215475
Party	Defendant Mexcor, Inc.
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Submission	Withdrawal Of Application
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Date	07/26/2016
Attachments	Express Abandonment.pdf(91503 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial Nos. 85/731,118
Marks: TEXAS CROWN CLUB and Bag Design
International Class 33

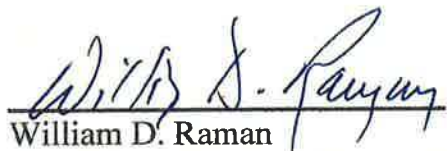
DIAGEO NORTH AMERICA, INC.,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91/215,475
	§	
MEXCOR, INC.,	§	
	§	
Applicant.	§	

EXPRESS ABANDONMENT OF APPLICATION

In the underlying litigation that was the basis for suspension of the present opposition, the Court entered an injunction against Applicant's use of a word mark containing the word "Crown" in combination with a cloth bag for whisky/whiskey. Additionally, during the litigation, Diageo admitted that it was "undisputed" that Applicant's activities prior to late 2011 were non-infringing. Prior to late 2011, Applicant had sold product in the bag of the present application without any writing on the bag. Additionally, Applicant had used and registered the depiction of the mark TEXAS CROWN CLUB shown on the bag separately from the bag prior to 2011, U.S. Reg. No. 3,810,852. Therefore, because the mark of the present application includes the word "Crown," Applicant expressly

abandons the present application. However, consistent with Diageo's admission against interest regarding the underlying bag design and the mark TEXAS CROWN CLUB and Design, Applicant retains any and all common law rights in the bag design without the words on it, and any and all common law rights in and rights due to registration of the mark TEXAS CROWN CLUB and Design.

Dated: July 26, 2016



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Certificate of Service

I hereby certify that a true and correct copy of this Express Abandonment of Application is being served on counsel for Opposer on this 26th day of July, 2016, by depositing a copy of the same in First Class Mail, postage prepaid, addressed to the following address of record:

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